

REMARKS

Claims 1-22 are pending in this application. Applicants gratefully acknowledge the Examiner's indication that claims 1-12, 18-20 and 22 are allowed, and that claim 21 includes allowable subject matter and would be allowable if rewritten as suggested in the Office Action.

Claims 13-17 stand rejected under new grounds of rejection. In particular, claims 13-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5, 875, 249 to Mintzer et al. It is respectfully submitted that at the very least, claim 13 is not anticipated by Mintzer. By way of example, Mintzer does not specifically disclose *a method for authenticating a captured image, comprising measuring a plurality of parameters associated with said captured image and watermarking said plurality of parameters into said captured image to generate a watermarked image*, as essentially claimed in claim 13.

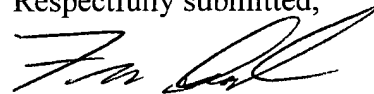
In particular, Mintzer discloses that *stamping information* can be in the form of any digital bit stream such as trademarks and graphic symbols that depicted ownership information (see, e.g., Col. 4, lines 21-25). However, Mintzer does not specifically disclose that the stamping information can be *a plurality of measured parameters that are associated with a captured image*, as essentially claimed in claim 13. Therefore, for at least this reason, Mintzer does not anticipate claim 13.

Even assuming, *arguendo*, that the teachings of Mintzer can be viewed as "suggesting" that stamping information can be *a plurality of measured parameters that are associated with a captured image* as contemplated in the invention of claim 13, Mintzer cannot be used in an obviousness rejection of claim 13 because Mintzer is not available as prior art against the claimed inventions under amended provision 35 U.S.C. §103(c).

Indeed, as explained in Applicants' previous Response filed on September 17, 2002, the provisions of 35 U.S.C. 103(c) are applicable to disqualify Mintzer as prior art against the claimed inventions for the following reasons: (i) Mintzer is available as prior art to the present application *only* under 35 U.S.C. §102(e); (ii) a CPA for Applicants' current application was filed *after* the effective date of November 29, 1999 and thus, the amended provision 103(c) is applicable; and (iii) the current application and the Mintzer patent were, at the time the invention of the current application was made, owned by the same entity, International Business Machines Corporation. Therefore, for the above reasons, Examiner cannot rely on the Mintzer patent to support an obviousness rejection of claim 13 under 35 U.S.C. 103(a).

Accordingly, for at least the above reasons, claim 13 is not anticipated by, or obvious in view of, Mintzer. In addition, claims 14-17 which depend from claim 13 are patentable over Mintzer at least for the same reasons given above for respective base claim 13. Therefore, withdrawal of the rejections is respectfully requested.

Respectfully submitted,



Frank V. DeRosa
Reg. No. 43,584

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL.: (516) 692-8888
FAX: (516) 692-8889